

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JAMEY PAUL BURRAGE

PLAINTIFF

v.

No. 1:20CV222-NBB-RP

LEE COUNTY ADULT JAIL MEDICAL DEPARTMENT

DEFENDANT

Consolidated With

JAMEY PAUL BURRAGE

PLAINTIFF

v.

No. 1:21CV103-NBB-RP

LEE COUNTY ADULT JAIL, ET AL.

DEFENDANTS

ORDER CONSOLIDATING CASES

The court, *sua sponte*, takes up the consolidation of: *Burrage v. Lee Co. Adult Jail Medical Dept.*, 1:20CV222-RP and *Burrage v. Lee County Adult Jail, et al.*, 1:21cv103-NBB-RP under Fed. R. Civ. P. 42(a), which states:

- (a) **Consolidation.** If actions before the court involve a common question of law or fact, the court may:
- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42. The two actions at issue have common questions of both law and fact, and under Fed. R. Civ. P. 42(a)(2), the court will consolidate the cases.

Under the court's Uniform Local Rules:

[T]he action bearing the lower or lowest docket number will control the designation of the district or magistrate judge before whom the motion to consolidate is noticed; the docket number will also determine the judge before whom the case or cases will be tried. Consolidation of actions from different divisions of a district court will be controlled by the earliest filing date. A dismissal of the action bearing the lower or

lowest number before the hearing on a motion to consolidate will not affect the operation of this rule. The judge initially assigned the lower or lowest numbered action, even if that action has been dismissed, will be the judge before whom the action(s) will be tried.

Rule 42, Uniform Local Rules of the Northern and Southern Districts of Mississippi.¹

It is, therefore, ORDERED that the Clerk of the Court **CONSOLIDATE** these cases, selecting as the lead case: the one with the lower docket number (for cases filed in the same division) – or the one with the earlier filing date (for cases filed in different divisions).

SO ORDERED, this, the 21st day of October, 2021.

/s/ Neal Biggers
NEAL B. BIGGERS, JR.
UNITED STATES DISTRICT JUDGE

¹ The plaintiff consented to Magistrate Judge jurisdiction in the lead case, but declined Magistrate Judge Jurisdiction in the companion case. As the Magistrate Judge cannot preside over a case in which the parties have not consented to such jurisdiction, the District Judge assigned to the companion case will preside over the consolidated case.